

Notice of Allowability

Application No.

10/697,795

Examiner

Thomas K. Pham

Applicant(s)

MURRAY ET AL.

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2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 2/2/2006.
2. ☒ The allowed claim(s) is/are 1-5 and 7-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Terminal Disclaimer

1. The terminal disclaimer filed on 2/2/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Application No. 10/418,022 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Reasons for Allowance

1. Claims 1-5 and 7-17 are allowed.
2. The following is an examiner's statement of reasons for allowance:

While Belliveau (U.S. Patent No. 6,331,813) discloses multi-parameter lighting devices within a power line carrier system. The system comprises a power line, a control device, and plurality of lighting devices. The control device can send out a signal on the power line in response to actuation of at least one actuation device. Each of the lighting devices include a processor which can cause to change the plurality of parameters; and at least one of the lighting devices includes an address selector for setting a unique address for each of the actuation devices. Belliveau does not teach a hand-held remote transmitter for selectively transmitting commands to messenger hub for activate one or more of remotely controlled switches at selected address, wherein the remotely controlled switches being settable to the selected device address; and other limitations related to these features in combination with the remaining elements and features of the claimed invention.

Campbell (U.S. Patent No. 4,200,862) discloses an appliance control system comprises a data transmitter and plurality of slave units plugged into outlet sockets of a power main of a

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building. The transmitter unit having input means for entering address of a slave unit and generating digital address signal representing the defined slave unit address. Each slave unit is responsive to the digital address signal to render the slave unit operation to effect an appliance power supply control operation. The system further includes a keyboard unit having three column of switches associated with number keys 1 to 16, a rotary switch and additional operational keys. Campbell does not teach a hand-held remote transmitter for selectively transmitting commands to messenger hub for activate one or more of remotely controlled switches at selected address, wherein the remotely controlled switches being settable to the selected device address; and other limitations related to these features in combination with the remaining elements and features of the claimed invention.

And White (U.S. Patent No. 6,532,152) discloses a durable, reliable, and ergonomic portable computing system that is highly customizable and ungradable. The portable computer comprises a housing forming an interior compartment for housing the internal components of the computer. The housing further including a sealing member to protect the interior component from moisture, dust and/or debris. White does not teach a home automation system which includes a remotely controlled outdoor switch having a power input portion, a power output portion, a controller and a sealed housing, wherein the controller address and device address of the outdoor switch are programmed by an electronic message; and other limitations related to these features in combination with the remaining elements and features of the claimed invention.

None of these references taken either alone or in combination discloses an improve home automation system having all the claimed features of applicant's instant invention, specifically including: a hand-held remote transmitter for selectively transmitting commands to messenger

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hub for activate one or more of remotely controlled switches at selected address, wherein the remotely controlled switches being settable to the selected device address; and a remotely controlled outdoor switch having a power input portion, a power output portion, a controller and a sealed housing, wherein the controller address and device address of the outdoor switch are programmed by an electronic message. Also, there is no motivation to combine the Belliveau reference with the White reference to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday to Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Thomas Pham*Patent Examiner*

March 3, 2006


Anthony Knight
Supervisory Patent Examiner
Group 3600